IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

Bail Appl..No. 3819 of 2007()

CRIME NO.146/06 OF PATTANAKKADU POLICE STATION
CRMP.1470/2007 of DISTRICT COURT, ALAPPUZHA

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PETITIONER/ACCUSED

K.V.MURALEEDHARAN, S/O.K.R.VELAYUDHAN,
MANCHU BHAVAN, VAYALAR PANCHAYATH,
WARD NO.13, PATTANAKKADU P.O., CHERTHALA.

BY ADV. SRI.A.N.RAJAN BABU
SMT.K.SUNITHA VINOD
SRI.GOPALAKRISHNAN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
PATTANAKKADU POLICE STATION, CHERTHALA.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 3819 of 2007

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Dated this the 23rd day of July, 2007

O R D E R

Application for anticipatory bail. The petitioner is the first accused. He faces allegations, inter alia, under Sections 465 and 420 I.P.C. Altogether there are two accused persons. The defacto complainant and the first accused are both police constables. The crux of the allegations is that the first accused, i.e. the petitioner herein, persuaded the defacto complainant to get a salary certificate issued to him and to hand the same to the first accused on the plea that the first accused had to get a chitty. The defacto complainant was to stand surety for that transaction. Instead of making use of the certificate for the said purpose, it is alleged that the first accused made use of that certificate to stand as a surety for a loan secured by the second accused. The first accused, it is further alleged, impersonated and represented himself to be the defacto complainant and executed the necessary documents in the name of the defacto complainant. Investigation is in progress. The petitioner apprehends imminent arrest.

2. When the matter came up for hearing, it was submitted at the Bar that the disputes have been settled and that the liability arising in respect of the loan of the second accused has now been cleared completely. The learned Prosecutor, in these circumstances, does not seriously oppose the application for anticipatory bail, but submits that appropriation conditions may be imposed in the interest of a fair, efficient and expeditious investigation.

3. I am satisfied that in the facts and circumstances of this case, directions under Section 438 Cr.P.C. can be issued in favour of the petitioner, subject of course to conditions, which shall ensure the interest of a fair, efficient and expeditious investigation.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 30.7.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that the petitioner executes a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on all Mondays and Fridays between for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 30.7.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 30.7.2007 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.50,000/- without any surety undertaking to appear before the learned Magistrate on 30.7.2007.

(R. BASANT)
Judge

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